

TOWN OF NOLENSVILLE  
BOARD OF MAYOR AND ALDERMEN MEETING  
DATE: THURSDAY, MAY 6, 2004 TIME: 7:00 P.M.  
PLACE: NOLENSVILLE ELEMENTARY SCHOOL

Mayor Charles Knapper opened the meeting at 7:00. In attendance were Mayor Knapper, Aldermen Tommy Dugger, Larry Felts, Gail Phillips and Frank Wilson. Also in attendance were Counsel Bob Notestine, Officer Paul Rigsby, Recorder Cindy Lancaster, and 79 public citizens.

Planning Commission Chair Willis Wells led the prayer and pledge.

Mayor Knapper stated that if the audience was in attendance in regards to Sheldon Park this is being deferred until next month. He noted that next week there would be an informational meeting that would be led by the developer. Mayor Knapper then opened the floor for public comment.

Citizens Input:

Mr. Parman Henry of 7323 Nolensville Road spoke in opposition of the roadways in regards to Bent Creek. He noted that he has property on Clovercroft Road and if the proposed roads are built he will lose 200' of road frontage, with his neighbor losing more. He stated that if Sam Donald Road is ceased the Ebenezer Church would lose land. If an emergency arises an egress will be a problem. Access to the cemetery will be limited due to a one-way street. Mr. Henry suggested making Clovercroft a one-way Road going west to the proposed road, with the proposed road being a one-way street also. He noted that parking would be gone if the State widens Nolensville Road. The Town Of Nolensville should look into purchasing land behind J.T.'s for parking purposes.

Mayor Knapper stated that there had been a meeting with the Planning Commission, and TDOT. TDOT has been formally asked to perform a feasibility study.

Counsel Notestine spoke to the audience in regards to the Planned Urban Development. He stated that the road that is being discussed would be in Phase II or III. The road would be confirmed at the time of approval. Phase I is the only Phase that has been approved.

Mr. Al Applegate, Representative and Trustee of Ebenezer Methodist Church, stated that his church liked alternative #5 of the Road study that was previously performed by Fischbach Transportation.

Dr. Joe Curtsinger noted that the Planning Commission and the Board of Mayor and Aldermen have worked with the developer extensively and the map does not seem to be accurate. He noted that Phase I should not be allowed to be developed until the proposed road is completed. He urged the board to place this condition on the Bent Creek Developers.

Mr. Charles Lawson, stated that he liked #3 of the Road study that was previously performed by Fischbach Transportation.

Mrs. Kristie McArthur, asked Mayor Knapper to repeat what he had previously said about deferring the Sheldon Park Development. After Mayor Knappers comments Mrs. McArthur

continued noting her concern is the growth in Nolensville and the direction that is it taking. She read excerpts from previous town meetings and said that she did not want to see PUD's and Overlays throughout Nolensville. She stated that she disputes that Nolensville is trying to provide for retirees and newly married couples due to these type of residents currently living on her street. She asked the board not to appeal to people that are coming to Nolensville, but the people who are currently living in Nolensville. She further stated that her hope was that this board would base their decision on people who are based in this community.

Mr. Dean Doyle, asked if this board had the power to say "yea" or "nay" to this development?

Mayor Knapper stated that the process is to come before the Planning Commission with a Concept Plan. The Planning Commission then makes a consideration and staff reviews the plan to see if it meets the criteria of their request. This criteria comes from the Subdivision Regulations. The Planning Commission then makes a recommendation with or without conditions. It only comes before the Board of Mayor and Aldermen if there is a zoning change.

Ms. Karen Lasitch stated that the meeting with the developer at 5:30 was not convenient. She noted the town is representing the citizens not the builder.

Alderman Wilson stated that the Board and Planning Commission are bound by the Zoning Ordinance in the decision making process.

Alderman Felts made a motion to approve the minutes for the regular meeting of April 1, 2004, Alderman Dugger seconded this motion. The minutes were approved unanimously.

Alderman Wilson made a motion to accept the Treasurers report, Alderman Felts seconded. Recorder Lancaster reported the general fund cash on hand as being \$529,811.40, with cash disbursements being \$50,000. State Street Aid cash on hand is \$139,680.14. The treasurer's report was unanimously approved.

#### Commission/Committee Reports

Chair Willis Wells reported for the Planning Commission:

- Hayley Industrial Preliminary Plans
- Sheldon Park concept Plan was presented
- Town Engineer spoke of the coarse paving
- Bond report was issued
- Proposed zoning ordinance amendments reviewed
- PUD/OSD density was discussed
- Storm water issue was addressed
- Fee structure was reviewed

Betty Friedlander reported for the Historic Commission:

- Design Standards were submitted to the Mayor
- Saturday is Earth Day – Planting to begin at 8:30 a.m.

Assistant Chief Jason Jones reported for the Nolensville Volunteer Fire Department.

- Annual Pump test performed on all equipment
- FEMA grant has been submitted
- Requested to meet with the Mayor in regards to the Fire Inspector position

There was no report for the Chamber of Commerce.

Rich Woodroof reported for the Engineer/Codes Department.

- 13 permits issued
- 8 inspections performed
- Oldham Drive and Stonebrook Blvd. striped and turning lanes installed
- Ballenger Farms utilities are currently being installed
- Soliciting bids for engineering repair work on York Road
- Greystone Plaza close to completion

Alderman Dugger asked Mr. Woodroof about the paving on Dortch Lane. Mr. Woodroof stated that a letter was submitted requesting the final coarse. Alderman Dugger noted that this road does not become the towns until the town approves it.

There was a written report submitted to the board for the Police Department.

There was no report for the Public Works Department.

Mayor's Comments:

Mayor Knapper noted that Middle Tennessee Electric had been contacted to install streetlights at Williams, York and Sunset Roads. He noted that once annexation is completed there would be more installed.

Second reading of Ordinance #04-03, an ordinance to amend the zoning ordinance #01-06 to zone property into a PUD zoning. Counsel stated that this is the second reading to rezone certain property on Clovercroft Road known as Bent Creek. He noted that he felt there might be some confusion on a PUD. This zoning has been there for years and almost every city within Tennessee has a section on PUD's.

Alderman Dugger stated that Dr. Curtsinger had a valid concern in regards to obtaining the right-of-way for the proposed road. He noted that 150 homes could be built before a road is installed. Alderman Phillips stated that was a concern for her also. Counsel Notestine stated that it was given approval stating that before Phase II could begin, the road would have to be installed. He stated that this board does not have the power to dictate to a developer to purchase a private individuals land.

Mr. Steve Cates stated that Ms. Fischbach, who performed an independent study, said that the current roads would handle 154 lots. He noted that he wanted to get started on this as soon as possible.

Alderman Dugger noted that a "minimal" vinyl siding was a concern for him. Mr. Cates stated that this would be for soffits, and other minor vinyl installations.

Alderman Dugger clarified that the road plan itself is part of the PUD, although before any road is closed it must come before this board. Counsel stated that was correct.

Alderman Wilson stated that there was a concern in regards to the amount of vinyl and that is why it was discussed extensively at the Planning Commission meetings.

Mr. Cates assured the audience that these homes would range from \$180,000 to \$400,000 price range. He noted that he has worked with many governmental entities and thanked the board for thoroughness in this project.

Mayor Knapper noted that several questions were brought up at the Bent Creek PUD Public Hearing on April 22. He addressed these questions.

Mayor Knapper stated a question arose in regards to adequate buffers. He noted that along two connector routes within the subdivision there is a 200-foot wide buffer in the right-of-way. Lots abutting Clovercroft Road will be 75 feet wide with a 40-foot buffer along Clovercroft only adjacent to the (southerly) cul-de-sac, which will have conventional lots fronting the new road.

Mayor Knapper stated another question was raised in regards to erosion issues and had they been addressed for the entire project? He stated that yes; the federal government now has stringent storm water run-off erosion control measures that have been passed down to the local governments as an unfunded mandate.

Mayor Knapper addressed another question that was directed to the board asking what will be the primary entrances to Bent Creek and will the town be subjected to any state or county approval regarding roads? There will be major entrances off Clovercroft Road just West of the Williams Road interchange as well as entrances off Sam Donald Road, approximately in the middle of the project. Two traffic studies by RPM Consultants and Fischbach Transportation have addressed the traffic issues and flows from this project. The town has been meeting with TDOT officials regarding the rapid development in the area, and improvements to existing roads and additional roads to the area.

Mayor Knapper noted that one question was “will the addition of the commercial area make it difficult for shoppers to access the commercial area and the old town area?”

Gillian Fischbach of Fischbach Transportation made a recommendation to allow Clovercroft Road traveling west to remain as a one-way street. Travel east of the newly created access road from Sam Donald will not be allowed for westbound traffic. Such realignment will allow for smooth flow and access to the old town area. Any changes in roads would have to come before this board for approval.

He noted that someone had asked will all of the houses have garage doors in front of the homes? Mayor Knapper stated that the Planning Commission proposed all the garages facing the street must have a three-foot minimum setback from the front façade. 50% of the houses may reduce the garage set-back less than ten feet provided a minimum 3-foot set-back from the front plane of the house where the garage is provided is maintained. The maximum driveway width within the right-of-way will be 12 feet. He stated that this issue would be further addressed at the construction drawing and final plat stages.

Alderman Dugger asked Mr. Cates will there be an entrance to the back part of the property? Mr. Cates said that will be addressed later in the project.

Alderman Dugger stated that he will vote for this PUD overlay because this is a self-contained community, although he will vote against any other PUD's that come before this board that butts up to a subdivision like Ballenger Farms.

Alderman Felts stated that he has been very active in the Planning Commission meetings and this group has worked hard on this project.

Alderman Wilson made a motion to pass this ordinance, Alderman Dugger seconded and this passed unanimously.

Second Reading of Ordinance #04-05, an ordinance to make a violation of Tennessee Code Annotated (TCA 55-12-139) a municipal ordinance violation. Counsel Notestine stated that this ordinance is a housekeeping ordinance that was recommended by MTAS. Alderman Wilson made a motion to pass this ordinance, Alderman Felts seconded and this passed unanimously.

Second Reading of Ordinance #04-06, an ordinance to adopt by reference state traffic offenses and rules of the road. Counsel Notestine stated that in the State of Tennessee you must have insurance to operate a vehicle. This is a housekeeping ordinance. Alderman Felts made a motion to pass this ordinance, Mayor Knapper seconded and this passed unanimously.

First Reading of Ordinance #04-07, an ordinance to adopt a budget for the fiscal year July 1, 2004 – June 30, 2005. Counsel Notestine stated that this is the first reading of the budget ordinance. He noted that this must go through another reading in addition to a public hearing. Mayor Knapper noted the budget subcommittee has met several times. This subcommittee consisted of two citizens, which are chair of the Planning Commission and Historic Commission, two Aldermen and the Mayor. Mayor Knapper then went through the figures for the budget. Alderman Wilson made a motion to approve this ordinance, Alderman Felts seconded. The floor was then opened for discussion. Alderman Phillips asked about the purchasing of one police car versus two. Mayor stated that the cost of repair exceeds the purchase of a new vehicle. Alderman Phillips also asked if there would be a line item for the Elementary School. Mayor Knapper stated that he would like to request that a \$2500 allocation be added to the budget for Nolensville Elementary School. Alderman Dugger inquired about a decision on the tractor. Mayor Knapper stated that Alderman Wilson is reviewing this in addition to public works staff contacting other public works departments. Mayor Knapper made a motion to approve this ordinance as amended, adding a \$2,500 line item for the Nolensville Elementary School library to be used to purchase books. Alderman Felts seconded. This amendment passed unanimously. First reading of Ordinance #04-07 as amended passed unanimously.

First Reading of Ordinance #04-08, an ordinance to allow a Planned Urban Development overlay known as Sheldon Park. Mayor Knapper noted that this ordinance would be postponed for 30 days.

First Reading of Ordinance #04-09, an ordinance to amend certain sections of the Town Of Nolensville Zoning Ordinance #04-01. Counsel Notestine noted that the primary focus is on

the Historic District Overlay, although several items are being reviewed. Alderman Wilson made a motion to pass this ordinance on first reading, Alderman Felts second and this passed unanimously.

Reading of Resolution #04-04, a resolution to extend an agreement with Mr. Bill Terry. Counsel Notestine stated that this is an extension of the current agreement with Mr. Terry. He stated that this should read six months and not one year. Alderman Wilson made a motion to amend this resolution to reflect six months, Alderman Dugger seconded. This amendment passed unanimously. Alderman Wilson made a motion to pass as amended, Alderman Felts seconded and this resolution passed unanimously.

Reading of Resolution #04-05, a resolution to authorize the Board of Mayor and Aldermen to establish a Board of Adjustments and Appeals Board. Counsel Notestine stated that this has been brought to the boards attention that the Fire Safety Code and the Sprinkler Ordinance calls for this type of appeals board. He noted that this resolution establishes the BZA to additionally become this board. Alderman Phillips made a motion to pass this as read, Alderman Dugger seconded and this passed unanimously.

Reading of Resolution #04-06, a resolution to revise fees for the Town Of Nolensville as provided in Ordinance #04-01. Counsel Notestine stated that this schedule was evaluated by the staff and Mayor. He noted these fees are to defray the profession cost of engineers, planners, attorneys, etc. Mayor Knapper made a motion to pass this Resolution, Alderman Wilson seconded and this passed unanimously.

Alderman Wilson commended the audience for attending the meeting. Alderman Felts thanked the crowd also.

Meeting adjourned at 9:00 P.M.

Respectfully submitted,

Approved,

Cindy Lancaster  
Town Recorder

Charles F. Knapper  
Mayor